

REMARKS

Claims 1, 4-6 and 8-46 are pending, with Claims 1, 4-6 and 8-31 under active consideration. Favorable reconsideration is respectfully requested.

The present invention relates to a biochip comprising a well(s) having, at its bottom, a filter comprising straight pores with a uniform diameter arranged at uniform pore spacings, wherein (a) the filter has a thickness of 2 to 7  $\mu\text{m}$ , (b) the open area ratio of the filter is 15 to 60%, and (c) a reinforcing rib part is provided on the upper side or lower side of the filter in the well. See Claim 1.

The rejections of the claims under 35 U.S.C. §102(b) and §103(a) based on Haushalter alone and further in view of Chafin et al. and Weiner et al. are respectfully traversed. The cited references fail to disclose or suggest the claimed biochip.

The Examiner asserts that the support element 20 of Haushalter corresponds to the reinforcing rib part of the present invention (page 3, the last line to page 4, line 2). However, the support element 20 “provides mechanical support for the substrate 12” (page 17, lines 3-5 of Haushalter), not for the filter 14. The holes 22 of mechanical support 20 set under the filter (see Figs. 2, 3, and 4), that is to say substantial part of the mechanical support 20 is not provided on (does not overlap) the filter 14. The mechanical support 20 only supports the substrate 12, but it does not support the thin filter and not contribute to preventing breaking of the filter when pressurized.

In contrast, the reinforcing rib part of the present invention, which is provided on the upper side or lower side of the filter in the well, sufficiently supports the filter having a thickness of 2 to 7  $\mu\text{m}$  and an open area ratio of 15 to 60%. See the present specification at page 47, lines 1 to 10 and page 48, lines 15 to 21. In addition, Fig 4, Fig 5 and Fig 6 (the embodiments of Figs 4 and 5 correspond to Fig 6(c)) of the present specification clearly shows differences between the reinforcing rib part 23 of the present invention and the support

Application No. 10/554,218  
Reply to Office Action of July 3, 2008

element 20 of Haushalter. Referring to Fig 4 of the present application, element 23 is the reinforcing rib part, which is not the side wall of the well. That is, the biggest (outermost) circle borders on the well, not each of the 21 small circles.

Chafin et al. has been cited with respect to the subject matter of Claim 12. See the Office Action at page 9. However, Chafin et al. do not remedy the deficiency of Haushalter discussed above.

Weiner et al. has been cited with respect to the subject matter of Claims 13-21. See page 10 of the Office Action. However, Weiner et al. do not remedy the deficiency of Haushalter discussed above.

In view of the foregoing, the claimed biochip is not described by Haushalter. In addition, the claimed biochip is not suggested by Haushalter in combination with Chafin et al. or Weiner et al. Accordingly, the pending claims are neither anticipated by nor obvious over those references. Withdrawal of these grounds of rejection is respectfully requested.

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

James J. Kelly, Ph.D.  
Attorney of Record  
Registration No. 41,504

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)